

SUBJECT:	Appointment of Independent Person
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	None

1. Purpose of Report

This report seeks approval to a recommendation from Audit and Standards Committee that the term office of one of the Council's two Independent Persons be extended until 31 March 2020.

RECOMMENDATION

That Full Council agree to extend the term of office of Mr Trevor Dobson until 31 March 2020.

2. Reasons for Recommendations

The term of office of one of the Council's 2 Independent Persons comes to an end in July 2019. The process for recruiting new independent persons requires the Council to advertise this role in the local press which is costly and interest from the public has previously been very limited. Due to local government re-organisation it would only be feasible to offer the role until the end of the Shadow Period on 31 March 2020. The appointment of 2 Independent Persons has been agreed by the Council as part of the standards frameworks for dealing with member complaints and provides resilience in case of illness or other absence. There is also a mandatory requirement introduced by the Employment Procedure Amendment Regulations 2015 to invite at least 2 Independent Persons to join a panel set up to consider the dismissal of statutory officers. Extending Mr Dobson's term of office for a further 9 months would ensure that the Council continues to have 2 experienced Independent Persons available to deal with any complaints received and to comply with the requirements of the 2015 Regulations.

3. Content of Report

- 3.1 Under the Localism Act 2011 an Independent Person must be appointed through a process of public advertisement, submission of an application and approval by a positive vote of a majority of all members of the Council – i.e. by full Council. To be considered 'independent' an applicant must not be, or have been within the previous 5 years, an elected or co-opted member or an officer of the District Council or any Parish or Town Council in the area, or of any committee or sub-committee of the District Council or any Parish/Town Council, or, be a relative or close friend of a current elected or co-opted member or an officer of the District Council or any Parish/town Council in the area.

- 3.2 The Council undertook this process in 2012 and appointed Mr Dobson and Mrs Nandhra (who resigned in 2015) as Independent Persons for a term of 5 years from 25 July 2012. The Council appointed Mr Hopkins as the second IP in January 2017 after undertaking two rounds of recruitment. The Independent Persons are entitled to receive an allowance of £200, together with re-imbusement of any travelling expenses incurred whilst exercising their role. Both Mr Dobson and Mr Hopkins have attended specialist training provided by Hoey Ainscough through the Council's subscription to Standards Exchange.
- 3.3 The government has introduced a new mandatory requirement for Independent Persons to be involved in the dismissal procedure for statutory officers. The Council's Employment Procedure Rules have been updated to reflect this requirement and this has also been included in the Independent Person's role description.
- 3.4 The Council agreed to extend Mr Dobson's term of office for a further 2 years in July 2017 after it had proved difficult and costly to fill the vacancy left when Mrs Nandhra resigned. The extended appointment therefore expires in July this year. To ensure that the Council complies with the adopted Complaints Procedure, it is necessary to either start a recruitment process to appoint a new Independent Person or agree to extend the term of office of the current appointee. The option of leaving the position vacant would require a change to the Complaints Procedure and would mean the Council could not comply with the Employment Procedure Amendment Regulations 2015. This course of action was therefore not recommended by the monitoring officer.
- 3.5 The recruitment process prescribed in the Localism Act requires the Council to advertise the role in the local press which is costly. Experience from recent recruitment processes is that interest from the public in this role is very low. Furthermore due to local government re-organisation it is only be feasible to offer the role until the end of the Shadow Period on 31 March 2020, making the role less likely to be of interest to a new applicant. Therefore, the option of extending Mr Dobson's term of office was considered by the Audit and Standards Committee. Whilst this does raise an issue about maintaining a degree of independence from the Council the Committee considered that a further extension of 9 months was acceptable in the circumstances.

4. Consultation

Not applicable.

5. Options

The Council could decide not to accept the Audit and Standards Committee's recommendation and either advertise the upcoming vacancy and select an applicant to fill the role for the remainder of the Shadow Period or leave the position vacant when Mr Dobson's term of office expires in July. These latter options are not recommended for the reasons referred to in paragraphs 3.4 and 3.5 above.

6. Corporate Implications

Financial – As set out in the report

Legal – The appointment of an Independent Person must be approved by Full Council with a majority of members present voting in favour.

Risks issues – The Council would be in breach of its statutory duty if it had no Independent Person available to advise on member complaints and having 2 Independent Persons provides resilience in case of absence or conflicts of interest. It is also now a requirement under the Employment Procedure Amendment Regulations 2015 for the Council to invite at least two Independent Persons to take part in the panel considering the dismissal of statutory officers.

Equalities - The Council's policies on equalities would be followed in any recruitment process for new a Independent Person.

7. Links to Council Policy Objectives

Whilst there are no direct links to the Council's main policy objectives, it has a duty under the Localism Act to have arrangements in place to deal with allegations that members may have breached the code of conduct. The effective use of Independent Persons as part of this process is a matter of good governance and is important in preserving the confidence of local communities.

8. Next Steps

If approved by Full Council a formal letter will be sent to Mr Dobson extending his appointment.

Background Papers:	None except those referred to in the report.
---------------------------	--